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FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
JAN 03 2008
BY D. MARK JONES, CLERK
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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	Case No. <u>2:08mj3</u>
	:	
Plaintiff,	:	
	:	COMPLAINT
vs.	:	
	:	
	:	
KEVIN MICHAEL LIETZ,	:	VIO:18 U.S.C. § 2422(b)
	:	[Coercion and Enticement For Illegal
Defendant	:	Sexual Activity];

Before Honorable Paul Warner, United States Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I
(18 U.S.C. § 2422(b))
(Coercion and Enticement)

On or about January 2, 2008, in the Northern Division of the District of Utah,

KEVIN MICHAEL LIETZ,

the defendant herein, did knowingly and intentionally, by means of a facility of interstate

commerce, persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in sexual activity for which a person can be charged with a criminal offense, or attempted to so persuade, induce, entice, and coerce; all violation of Title 18, United States Code, Section 2422(b).

STATEMENT OF FACTS

I, Janice Van Orden, ("Your affiant"), of the Northern Utah ICAC task force, being duly sworn, depose and state as follows to wit:

1. Your affiant has been employed by Weber County Sheriff's office since 1991. Your affiant has worked in numerous positions those being corrections, Patrol, Narcotics, Courts and Investigations. Your affiant has investigated sexual crimes against children and has attended numerous courses and training pertaining to the investigation of child sex crimes and Internet crimes against children, including leading investigations, writing and executing search warrants, conducting undercover operations, interviewing victims, interviewing suspects and effecting arrests. Your affiant is currently assigned as the Sergeant of the Weber County Sheriff's Office Investigations Section. Your affiant has worked on the NUICAC task force on and off since 2000. Your affiant has supervised the Northern Utah Internet Crimes Against Children Task Force (NUICAC) for the last two years.

2. As a member of the task force, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority

to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of a criminal complaint charging KEVIN MICHAEL LIETZ with attempting to persuade, induce, entice and coerce an individual who had not attained the age of 18 years, to engage in sexual activity in violation of 18 U.S.C. § 2422(b).

4. The information set forth below has come from either personal investigation or has been related to me personally by other law enforcement officers associated with this investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that KEVIN MICHAEL LIETZ violated Title 18, United States Code, Section 2422(b), Coercion and Enticement.

5. Your affiant knows that on January 2, 2008, law enforcement working in an undercover capacity, entered a Yahoo! chatroom using the persona of a 14 year old girl. The undercover screen name was contacted via Yahoo! Instant Messenger by an individual using the screen name "wildcat84404." After arrest LIETZ admitted to chatting with the undercover officer's screen name on January 2, 2008.

6. At the start of the chat on January 2, 2008, the undercover persona told LIETZ she was 14 years old in response to his questions about her age. LIETZ responded indicating he was 26 years old. In the chat, LIETZ initially stated he was "looking for

some fun tonight?" and offered to "come over, give you my toungue, then if you want we ould go further." Again during the chat, LIETZ offered to perform oral sex on the undercover persona. A meeting was discussed, and LIETZ said in the chat, "Well, I was talking about coming over and having sex."

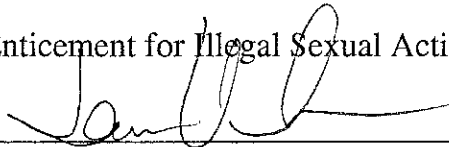
7. A meeting was arranged at the "home" of the undercover persona on January 2, 2008. At the time arranged for the meeting in Ogden, Utah, officers had arranged for LIETZ to be chatting with the undercover "girl." Officer's observed LIETZ using a Motorola cell phone to instant message the undercover officer at the time and location arranged for the meeting. LIETZ was arrested, and taken back to the station and read *Miranda* rights. LIETZ admitted he had chatted with the 14 year old undercover persona, in a Yahoo chatroom and that he had discussed having sex with her. When asked if he traveled to the 14 year old's home to have sex with her, he responded, "I don't know." Officers seized the Motorola cell phone at that time.

LIETZ stated he also chatted with the undercover persona from a desktop computer located at his place of employment on January 2, 2008. Your affiant is aware than LIETZ was employed by PT Fitness Center, at Weber State University. LIETZ stated he also chatted with the undercover persona from a desktop computer located at PT Fitness Center on January 2, 2008. LIETZ'S employees at PT Fitness confirmed that LIETZ used a laptop computer, and had another computer assigned to him by PT Fitness. PT Fitness provided to law enforcement the laptop, desktop, and all computers regularly

used by LIETZ. PT Fitness confirmed these computer materials belonged to PT Fitness and Weber State University, not LEITZ.

9. I know from experience that Yahoo! is located in Sunnyvale, California and that any transmission from a person using Yahoo! is relayed outside of the state of Utah. Because defendant and your affiant were using Yahoo! to communicate, the sexually explicit communications traveled in interstate commerce.

10. The defendant, KEVIN MICHAEL LIETZ, attempted to meet a 14 year-old female in Ogden, Utah for purpose of conducting illegal sexual behavior, which act, if completed would constitute a criminal offense under Utah law. Your affiant submits there is probable cause to believe that LIETZ violated 18 U.S.C. § 2422(b), Coercion and Enticement for Illegal Sexual Activity.



Sgt. Janice Van Orden
Northern Utah ICAC

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF JANUARY 2008.



Hon. Paul Warner
United States Magistrate Judge

BRETT L. TOLMAN
United States Attorney



KARIN FOJTIK
Assistant United States Attorney